

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,  
11

12 Plaintiff,

13 v.

14 SAMUEL SERVIN DIAZ,  
15

16 Defendant.  
17

Criminal Case No. 08-MJ-0340

**ORDER OF DETENTION ON  
DEFENDANT'S WAIVER OF BAIL  
PENDING REMOVAL**

18 In accordance with the Bail Reform Act of 1984, 18 U.S.C. § 3142(f), a detention  
19 hearing was scheduled for January 24, 2008, to determine whether defendant, Samuel Servin  
20 Diaz, (the "Defendant") should be held in custody without bail pending trial and, if convicted,  
21 sentencing in the above-captioned matter. Special Assistant U.S. Attorney Carlos O. Cantu  
22 appeared on behalf of the United States. Attorney Frank Balistrieri appeared on behalf of  
23 Defendant.

24 At the hearing on February 11, 2008, Defendant knowingly and voluntarily waived his  
25 right, on the record and in the presence of counsel, to the setting of bail and a detention  
26 hearing. Based on that waiver, the Court orders that Defendant be detained pending trial and, if  
27 convicted, sentencing in these matters, without prejudice or waiver of Defendant's right to later  
28

1 apply for bail and conditions of release, and without prejudice or a waiver of the right of the  
2 United States to seek detention in the event of an application by Defendant for such relief.

3 **ORDER**

4 IT IS HEREBY ORDERED that the Defendant be detained pending trial and, if  
5 convicted, sentencing in these matters.


6 IT IS FURTHER ORDERED that the Defendant be committed to the custody of the  
7 Attorney General or his designated representative for confinement in a corrections facility  
8 separate, to the extent practicable, from persons awaiting or serving sentences or being held in  
9 custody pending appeal. The Defendant shall be afforded reasonable opportunity for private  
10 consultation with counsel.

11 While in custody, upon order of a court of the United States or upon the request of an  
12 attorney for the United States, the person in charge of the correctional facility shall deliver the  
13 Defendant to the United States Marshal for the purpose of an appearance in connection with a  
14 court proceeding or any other appearance stipulated to by defense and government counsel.

15 This order is made without prejudice to modification by this Court and without  
16 prejudice to the Defendant's exercise of his right to and a detention hearing at a future date.

17  
18 IT IS SO ORDERED.

19 Dated: February 12, 2008

20   
21 Ruben B. Brooks  
22 United States Magistrate Judge  
23  
24  
25  
26  
27  
28